

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2009-10

AN ORDINANCE REPEALING CHAPTER 279, REGISTERED SEX OFFENDER PROHIBITION ZONES, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, the Township Council adopted Ordinance #2005-14 entitled " an Ordinance Amending Ordinance #2005-14, Regulating Where Registered Sex Offenders Can Reside in the Township of Lower" on August 15, 2005 and Ordinance #2005-25 entitled "An Ordinance Amending Ordinance #2005-14, Regulating Where Registered Sex Offenders Can Reside in the Township of Lower" on December 5, 2005, and

WHEREAS, on May 7, 2009, the Supreme Court of New Jersey rendered their decision in the case of G.H. v. Township of Galloway affirming the decision of the Appellate Division which found ordinances establishing residency restrictions were precluded by Megan's Law, and

WHEREAS, the Township of Lower is a member of the Atlantic County Municipal Joint Insurance Fund whose attorney is recommending member municipalities suspend enforcement of the ordinance if the ordinance is not repealed.

NOW, THEREFORE, BE IT RESOLVED as follows;

- SECTION 1. Chapter 279, entitled "Registered Sex Offender Prohibition Zones" of the Code of the Township of Lower is hereby repealed in its entirety.
- SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.
- SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.
- SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.
- SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.

Thomas Conrad, Councilmember

Wayne Mazurek, Councilmember

Glenn Douglass, Councilmember

Attest: _____
Claudia R. Kammer, Township

Kevin Lare, Councilman

Michael E. Beck, Mayor

Adopted: _____, 2009